

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR (1) AUTHORITY TO MODIFY)	
CERTAIN EXISTING DEMAND-SIDE MANAGEMENT)	
PROGRAMS; (2) AUTHORITY TO IMPLEMENT NEW)	
PROGRAMS; (3) AUTHORITY TO DISCONTINUE)	
CERTAIN EXISTING DEMAND-SIDE MANAGEMENT)	CASE NO.
PROGRAMS; (4) AUTHORITY TO RECOVER COSTS)	2015-00271
AND NET LOST REVENUES, AND TO RECEIVE)	
INCENTIVES ASSOCIATED WITH THE)	
IMPLEMENTATION OF THE PROGRAMS;)	
AND (5) ALL OTHER REQUIRED APPROVALS)	
AND RELIEF)	

ORDER

On October 11, 2016, Kentucky Power Company (Kentucky Power) filed a petition, pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13(2), requesting that the Commission grant confidential treatment to information provided by Kentucky Power as part of its application in this proceeding. The designated material is more specifically described as certain terms of work authorization no. 027539190034X110 and the related "Change Request Forms" CO0810163 and CO0810164 for work authorization no. 027539190034X110 between Kentucky Power and CLEARResult Consulting, Inc.

As a basis for its request, Kentucky Power states that the information for which confidential treatment is sought includes pricing, incentive-related and gross annual MWh savings goal information that resulted from negotiations between American Electric Power Service Corporation, on behalf of Kentucky Power and CLEARResult Consulting Inc. (CLEARResult). The market for the services is very competitive and competitors of

CLEARResult could use the information to reverse engineer bid pricing and strategy. This unfair competition with CLEARResult could establish a floor for contract pricing and reduce the number of competitors willing to submit bids in the future, which would hinder Kentucky Power's ability future ability to secure the best bid.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Kentucky Power's motion for Confidential Treatment is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(m) and 807 KAR 5:001, Section 13.

More precisely, the Commission finds that under the Kentucky Open Records Act, it is entitled to withhold from public disclosure information disclosed to it "generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records..."¹

IT IS THEREFORE ORDERED that:

1. Kentucky Power's petition for confidential protection of the designated material contained in its October 11, 2016 Motion for Confidentiality shall be granted.
2. The designated material shall not be placed in the public record or made available for public inspection until December 21, 2021.
3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

¹ KRS 61.878(1)(c)(1)

4. Kentucky Power shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order, Kentucky Power shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky Power is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow Kentucky Power to seek a remedy afforded by law.

By the Commission

ENTERED
JUL 15 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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